

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA *

VS.

* CR. NO. 99-322 (PG)

VICTOR LOPEZ HERNANDEZ *

FOR SENTENCE

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U.S. DISTRICT COURT
SAN JUAN, P.R.

The above-captioned cause came on to be heard
before the HONORABLE JUAN PEREZ GIMENEZ, United States
District Court Judge for the District of Puerto Rico on
February 16, 2001.

BOABDIL VAZQUETELLES, JR
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1 in that report that you wish me to correct at this time?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Any from the government?

4 MS. MORALES: None, Your Honor.

5 THE COURT: Counsel, is there any
6 information you would like to provide the court on behalf
7 of your client.

8 MS. RAMOS: Yes, Your Honor, the defendant
9 is quite repentant and remorse of the actions he has
10 done. He realized the seriousness of the same and he has
11 tried his best to become a law abiding citizen. I have
12 with me the record from the State Court that the
13 Correction Administration under the Commonwealth and he
14 has behaved quite well. In prison he has taken the course
15 and he has tried long before he came under the custody of
16 the Federal authorities. He has tried to rehabilitate
17 himself, Your Honor. Although he left school at the
18 eleventh grade, he is quite intelligent and he would like
19 to continue studies and become a law abiding citizen and
20 give a good example to the children he has so that they
21 don't fall the same way he has fallen, Your Honor. I
22 think he can address that better to the court than I
23 myself, however, I would request the court that pursuant
24 to the plea agreement, which was recommended by the
25 government, that he be sentenced to the lower end of the

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UNITED STATES OF AMERICA :

vs. :

VICTOR LOPEZ HERNANDEZ :

: CR. 99-322

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

FOR CHANGE OF PLEA

The above-entitled cause came on to be heard before the
HONORABLE JUAN M. PEREZ-GIMENEZ, U.S. District Judge,
sitting in Hato Rey, Puerto Rico on August 29, 2000.

BOABDIL VAZQUETELLES, JR., CM,
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1 and the fact that he is waiving them by pleading
2 guilty, I find that he is acting voluntarily and with
3 full knowledge of the offense. There is a basis in
4 fact for the plea and therefore, a judgement of guilty
5 shall be entered as to Counts one and five. I will
6 request a pre-sentence report. Counsel, will you be
7 available January 8?

8 MS. RAMOS: I am checking, Your Honor. Yes, Your
9 Honor.

10 THE COURT: 9:00 o'clock.

11 MS. RAMOS: Yes.

12 THE COURT: Sentence is set for January 8 of the
13 year 2001 at 9:00 o'clock.

14 MS. RAMOS: Your Honor, there is something I wish
15 to bring to the attention of the court on paragraph 14,
16 page seven. In this particular case at the time that
17 the defendant was arrested, December 11, 1997, he was
18 on probation in the state court charges and although he
19 was charged in the state court and the motion to
20 suppress was granted in the state court, he remains
21 incarcerated because his probation was revoked,
22 however, it was revoked without having a hearing. And
23 afterwards defendant represented by state court
24 attorneys filed numerous motions before the parole
25 board and he was never granted a hearing. That is the

1 reason why he remains incarcerated since his arrest up
2 to this time and at the time of sentencing we will
3 bring the files of the board in order to bring this
4 before this court. Your Honor, this is a very
5 particular case. We would have a plea hearing and
6 since the case was dismissed in the state court, he
7 would not have served his two years that he has served
8 and we would like to bring that before the court.

9 THE COURT: All right. But I explained to
10 Mr. Lopez, what appears here, the plea agreement is a
11 recommendation that you are requesting the court to
12 make, a recommendation to the Bureau of Prisons to
13 inquire on this matter which is the proper forum. I
14 can't give him the credit. You understand that I can't
15 give him the credit. That is for the Bureau of
16 Prisons. If they don't give him the credit, there is
17 an administrative appeal which goes up to the Attorney
18 General which is in the first instance that has to
19 determine whether the credit for his two years will be
20 given or not for the sentence that I will dictate in
21 the year 2001, January 8. As long as that is clear
22 that it is a recommendation; that I can't give him the
23 credit. Do you understand that, Mr. Lopez?

24 THE DEFENDANT: Yes.

25 THE COURT: All right.